Practitioner's Docket No. <u>U013209-3</u>

**PATENT** 

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[x] In re application of:	Olav Lanes
Application No.;	Group No.:
Filed: January 10, 200	Examiner:
For: COD URACIL	DNA GLYCOSYLASE, GENE CODING THEREFORE
<b>RECOMBINA</b>	NT DNA CONTAINING SAID GENE OR OPERATIVE PARTS
THEREOF A	METHOD FOR PREPARING SAID PROTEIN AND THE USE OF
SAID PROTEI	N OR SAID OPERATIVE PARTS THEREOF IN MONITORING OR
CONTROLLIN	
COMINOLLIN	IO I CK
[] *Patent No.:	Issue Date:
[] Patent No	
_	the second Whose eleterant in with vernest to a maintanance
*NOTE: Insert n	name(s) of inventor(s) and tttle also for patent Where statement is with respect to a maintenance ment, also insert application number and filing date, and add Box M. Fee to address.
STATEMENT C	LAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))
With respect to the inv	vention described in
Viui respect to the in-	tion filed herewith.
[v] annlication t	no. <u>09/758,017</u> , filed <u>January 10, 2001</u>
[X] application i	issued
[ ] batom no	
L IDENTIFICAT	TION AND RIGHTS AS A SMALL ENTITY
Y havebur state that I ar	
I hereby state that I ar	(complete either (a), (b), (c) or (d) below)
(a) Independent In	ventor
[]	a below named independent inventor, and that I quality as an independent
	inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees
	under Sections 41(a) and (b) of Title 35, United States Code, to the Patent
	and Trademark Office.
(b) Noninventor Si	upporting a Claim by Another
[]	making this statement to support a claim by
e	tus for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35,
	r (
United States Code.	oses of paying reduced fees under Sections 41(a) and (b) of Title 35, United
Crk 1,9(c) 101 purpo	made the above identified invention.
States Code, if I had	mad the deer of terminal and the second of t
(c) Small Business	s Concern
f 1 4ha an	oner of the small business concern identified below:
check [] an offi	icial of the small business concern empowered to act on behalf of the concern
•••	



Name of Conce	rn Biotec ASA		
Address of Con	cern Strandgaten 3		
	N-9008 Troms		and
CFR 121.3-18, 41(a) and (b) of those of its affi employees of t persons employ year, and (2) co	and reproduced in 37 Cl Title 35, United States C lliates, does not exceed 5 he business concern is the yed on a full-time, part-tin neerns are affiliates of eac	FR 1.9(d), for purposes Code, in that the number 00 persons. For purpose average over the prene or temporary basis duch other when either, directions.	mall business concern, as defined in 13 of paying reduced fees under Sections of employees of the concern, including es of this statement, (1) the number of vious fiscal year of the concern of the tring each of the pay periods of the fiscal ectly or indirectly, one concern controls ontrols or has the power to control both.
(d) Non-Profit	Organization an official empowered	to act on behalf of the n	onprofit organization identified below:
	nization		
Address of Org	anization	· · · · · · · · · · · · · · · · · · ·	
TYPE OF ORC	GANIZATION		
[]	University or Other Ins	titution of Higher Educ	ation
[]	Tax Exempt Under Inte	ernal Revenue Service C	Code (26 USC 501(a) and 501(c) (3))
[] America		r Educational Under S	tatute of State of the United States of
	(Name of State		)
	(Citation of Statute		)
[]	Would Qualify as Tax and 501(c) (3)), if Loca	Exempt Under Internal ated in the United States	Revenue Service Code (26 USC 501(a) of America
[]	United States of Ameri (Name of State	nprofit Scientific or Educated in the Un	
and that the no 37 CFR 1.9(e) States Code.	nprofit organization ider , for purposes of paying	ntified above qualifies a reduced fees under Se	s a nonprofit organization, as defined in ctions 41(a) and (b) of Title 35, United
II. OWNE	RSHIP OF INVENTIO	N BY DECLARANT	
I hereby identified	state that rights under con	ntract or law remain with	n and/or have been conveyed to the above
[] perso (item (a) or (b		[x] concern (item (c) above)	[] organization (item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

[ ] [x]		n person, concern, or organization, concerns or organizations listed			
•NOTE:	TE: Separate statements are required from each named person, concern or organization having rights to invention as to their status as small entities. (37 CFR 1.27)				
Full Name					
[] INDIV	IDUAL	[] SMALL BUSINESS CONCERN	[] NONPROFIT ORGANIZATION		
			·		
Address		CLONALL DUCKNESS CONCERN	[] NONPROFIT ORGANIZATION		
[] INDI\	IDUAL	[] SMALL BUSINESS CONCERN	[] NONTROPH ORGANIZATION		

#### III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

#### IV. DECLARATION

(check the following item, if destred)

NOTE:

The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.

NOTE:

"The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under  $\S$  10.18(b) of this chapter. Violations of  $\S$  10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under  $\S$  10.18(c) of this chapter. Any practitioner violating  $\S$  10.18(b) may also be subject to disciplinary action. See  $\S\S$  10.18(d) and 10.23(c)(15)." 37 CFR 1.4(d)(2).

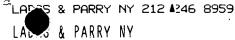
[] I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

TADAS & PARRY N



(complete only (e) or (f) below)

(e) NOTE: All inventors must sig	n the statement.
Name of Inventor	<del>_</del>
Signature of Inventor	Date:
Name of Inventor	<del>_</del>
Signature of Inventor	Date:
Name of Inventor	<u> </u>
Signature of Inventor	Date:
(add lines f	for any additional inventors who must sign)
	or
NOTE: The title of the person sign	ning on behalf of a concern or nonprofit organization should be specified.
Name of Person Signing (x)	ati Nikolaisu Kirsti Nikolaisen
Title of Person (x) Tour 7  (if signing on beh	alf of a concern or non-profit organization)
Address of Person Signing Biotec A	SA, Strandgaten 3, N-9008 Tromsö, Norway
SIGNATURE (x) XIX NIL	Wash DATE (x) 31.01.2001





### Practitioner's Docket No. <u>U013209-3</u>

PATENT

Optional Customer No. Bar Code



# COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

### TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

	[X] [ ]	original. design.
NOTE:	declarat	exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or common submitted in a reissue, a supplemental oath or common submitted in a reissue, a supplemental oath or common supplemental oath or common supplemental oath or common supplemental oath or common supplemental oath or declaration supplemental oath or declaration supplemental oath or common supplemental oath or declaration submitted in a reissue, a supplemental oath or common supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration submitted in a reissue of the submitted in a re
	714.16,	7" Ed.
	[]	supplemental.
NOTE:	If the de	claration is for an International Application being filed as a divisional, continuation or continuation-in- plication, do <u>not</u> check next item, check appropriate one of last three items.
	[]	national stage of PCT.
NOTE:	CONTI	f the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, NUATION OR C-I-P.
NOTE:	declara	C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application tion in the continuation or divisional application being filed on behalf of the same or fewer of the inventors in the prior application.
	[]	divisional.
	[]	continuation.
NOTE:	Where or divis	an application discloses and claims subject matter not disclosed in the prior application, or a continuation stonal application names an inventor not named in the prior application, a continuation-in-part application e filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).
	ſ ]	continuation-in-part (C-I-P).





### INVENTORSHIP IDENTIFICATION

**WARNING:** 

If the Inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

#### TITLE OF INVENTION

COD URACIL-DNA GLYCOSYLASE, GENE CODING THEREFORE RECOMBINANT DNA CONTAINING SAID GENE OR OPERATIVE PARTS THEREOF, A METHOD FOR PREPARING SAID PROTEIN AND THE USE OF SAID PROTEIN OR SAID OPERATIVE PARTS THEREOF IN MONITORING OR CONTROLLING PCR

		SPECIFICATION IDENTIFICATION		
The specification of which:  (complete (a), (b), or (c))				
(a)	[]	is attached hereto.		
NOTE:	"The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:			
	declarat	"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or ion at the time of execution and submitted with the oath or declaration on filing,		
		"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or		
		"(3) name of inventor(s), and title which was on the specification as filed."		
		Notice of July 13, 1995 (1177 O.G. 60).		
(b)	[x] [ ]	was filed on January 10, 2001 [x] as Application No. 09/758.017 and was amended on (if applicable).		
NOTE:	filing do	nents filed after the original papers are deposited with the PTO that contain new matter are not accorded a te by being referred to in the declaration. Accordingly, the amendments involved are those filed with the tion papers or, in the case of a supplemental declaration, are those amendments claiming matter not assed in the original statement of invention or claims, See 37 C.F.R. Section 1.67.		
NOTE:	the state are declaration filed after the filing date are			

(c)	[]	was described and claimed in PCT International Application No filed on (if any).
		SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))
	. (	complete the following where a supplemental declaration is being submitted)
	[]	I hereby declare that the subject matter of the
		attached amendment amendment filed on

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

# ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

(also check the following items, if desired)

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
  - in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

# PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by Section 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. Section 119(b) must be filed in the case of an interference (Section 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in Section 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. Section 1.55(a),

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

₹Ү ृ	NY	212 4246	8959	
RΥ	NY			(

(d)	ſΊ	no such applications have been filed.
(a)	ไขไ	such applications have been filed as follows.

Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority NOTE: check item (c), enter the details below and make the priority claim.

# PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
NO	2000 0163	12 January 2001	[x] YES [ ]NO
NO	2000 5428	27 October 2000	[x]YES [ ]NO
			[]YES []NO
			[]YES []NO
			[ ]YES [ ]NO

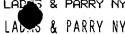
## CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (35 U.S.C. Section 119(e))

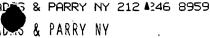
I hereby claim the benefit under Title 35	United States Code,	Section 119(e)	of any United
States provisional application(s) listed below:			

PROVISIONAL APPLICATION NUMBER	FILING DATE

# CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) **UNDER 35 U.S.C. SECTION 120**

The claim for the benefit of any such applications are set forth in the attached [] ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.





#### ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

If the application filed more than 12 months from the filing date of this application is a PCT filing forming the NOTE: basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.

#### POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

JOSEPH H. HANDELMAN, 26179

RICHARD P. BERG, 28145

JOHN RICHARDS, 31053

JULIAN H. COHEN, 20302

RICHARD J. STREIT, 25765

WILLIAM R. EVANS 25858

PETER D. GALLOWAY, 27885

JANET I. CORD, 33778

IAN C. BAILLIE, 24090

CLIFFORD J. MASS, 30086

THOMAS F. PETERSON, 24790

CYNTHIA R. MILLER, 34678

#### (Check the following item, if applicable)

- I hereby appoint the practitioner(s) associated with the Customer Number provided [] below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- Attached, as part of this declaration and power of attorney, is the authorization of the [] above-named practitioner(s) to accept and follow instructions from my representative(s).

NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1,63(d)(4)." Section 601.03, M.P.E.P., 7th Ed

SEND CORRESPONDENCE TO

Ladas & Parry 26 West 61st Street New York, N.Y. 10023 DIRECT TELEPHONE CALLS TO: (Name and telephone number) William R. Evans

(212) 708-1930

(complete the following if applicable)

Since this filing is a [ ] continuation [ ] divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



# SIGNATURE(S)

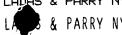
- Carefully indicate the family ( r last) name, as it should appear on the filing receipt and all other document. NOTE:
- Each inventor must be identified by full name, including the family name, and at least one given name without NOTE: abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship, 37 C.F.R. Section 1.63(a)(3).
- Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. NOTE: Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of

full name of sole or first i	nventor	
<u>)lav</u> Given Name)	(Middle Initial or Name)	Lanes Family (Or Last Name)
(nventor's signature (X)	Ola Lanes	
Date (x) 31/1-01	Country of Citizenship	Norway
•	ktor Ovigstads g. 16, N-9009 Tron	
	Same as above	
Full name of second joint	inventor, if any	
Nils	Peder (Middle Initial or Name)	Willasen Family (Or Last Name)
(Given Name)	(Middle Initial or Name)	
Inventor's signature (x)_	Now Pader W	Massec
Date (x) <u>27.02.01</u>	Country of Citizenship	Norway
ResidenceG	hlengveien 6, N-9010 Tromsö, No	way
Post Office Address		
Full name of third joint i	inventor, if any	
Per (Given Name)	Henrik (Middle Initial or Name)	Guddal Family (Or Last Name
Inventor's signature (x)		
	Od Country of Citizenship	
Residence G	ranveien 5, N. 3750 Drangedal, No	rway
Post Office Address	Same as above	· · · · · · · · · · · · · · · · · · ·

LAD25 & PARRY NY 212 146 8959

# (check proper box(es) for any of the following added page(s) that form a part of this declaration)

[x]	Signature for fourth and subsequent joint inventors. Number of pages added
	. * * #
[]	Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added
	* * ¶
[]	Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. Number of pages added
	* * *
[]	Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)
	* * *
[]	Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.
	[ ] Number of pages added
	<b>*</b> * *
[]	Authorization of practitioner(s) to accept and follow instructions from representative.
	(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item)
	[ ] This declaration ends with this page.





#### Practitioner's D cket No. <u>U013209-3</u>

# ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS

Full name of fourth joint inventor, if any <u>Gjellesvik</u> Rune Family (Or Last Name) (Given Name) (Middle Initial or Name) Inventor's signature (x) Date (x) 31/1 - 01 Country of Citizenship Norway Karl Pettersens gt. 31, N-9009 Tromsö, Norway Residence Post Office Address Same as above Full name of fifth joint inventor, if any (Middle Initial or Name) Family (Or Last Name) (Given Name) Inventor's signature Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_ Residence \_\_\_\_ Post Offico Address \_\_\_\_\_ Full name of sixth joint inventor, if any Family (Or Last Name) (Middle Initial or Name) (Given Name) Inventor's signature Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_ Residence Post Office Address